

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	No.: 16-cr-10305-NMG
	)	
MARTIN GOTTESFELD	)	

DEFENDANT’S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE  
CONCERNING CYBER ATTACKS NOT CHARGED IN INDICTMENT

The defendant Martin Gottesfeld (“Mr. Gottesfeld”) moves this Honorable Court *in limine* to exclude evidence of any and all cyber attacks not charged in the indictment. These uncharged cyber attacks include alleged attacks on Logan River Academy (Utah), Best Notes (Idaho), Great Schools (California), and possibly the Judge Rotenberg Educational Center (MA) and Sorenson’s Ranch (Utah). The evidence to be excluded also concerns threats of cyber attacks allegedly contemplated by Mr. Gottesfeld, but not carried out, including contemplated cyber attacks against the Massachusetts Medical Society and NSTAR.

As grounds:

1. The government charges Mr. Gottesfeld in count one (1) with conspiring to commit a cyber attack on Boston Children’s Hospital (“BCH”) and Wayside Youth and Family Support Network (“Wayside”); he is charged in count (2) with a cyber attack on BCH. He is not charged with crimes against any other institutions or organizations other than BCH and Wayside.
2. The proffered evidence is irrelevant. FRE 401.
3. The proffered evidence is inadmissible bad character and bad act evidence to prove a propensity to commit the charged offenses. FRE 404(a)(1); 404(b)(1).
4. The probative value of the proffered evidence, if any, is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, and wasting time. FRE 403.
5. Exclusion is necessary to protect the defendant’s constitutional rights to due process of law and a fair trial under the Fifth Amendment to the United States Constitution.

Respectfully submitted,  
MARTIN GOTTFELD  
By his attorney:

/s/ David J. Grimaldi

---

David J. Grimaldi  
David J. Grimaldi, P.C.  
BBO No. 669343  
675 Massachusetts Avenue, 9<sup>th</sup> Floor  
Cambridge, MA 02139  
617-661-1529 (tel)  
857-362-7889 (fax)  
[david@attorneygrimaldi.com](mailto:david@attorneygrimaldi.com)

DATE: June 29, 2018

CERTIFICATE OF SERVICE

I, David J. Grimaldi, hereby certify that true copies of this motion were served on all registered participants in this matter via ECF this 29th day of June 2018.

/s/ David J. Grimaldi

---

David J. Grimaldi